

Senate Judiciary Committee Amendment No. 1 (Fowler)

AMENDMENT NO. _____

Signature of Sponsor

AMEND Senate Bill No. 3073*

House Bill No. 2784

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

by deleting all language following the enacting clause by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 36, Chapter 1, is amended by adding the following as a new part to be appropriately designated:

Section 1. The object of this part is to establish an advance notice system which enables an eligible person to request the department to provide advance notification prior to the release of adoption records, sealed records, sealed adoption records, post-adoption records, or any other records or papers under Tennessee Code Annotated, Section 36-1-127(c), which has information regarding such person in order to give the person requesting advance notification the opportunity to prepare for the release and any impact this might have on the person or the person's family or associates. If the department has received such a request, it shall delay the release of the adoption records, sealed records, sealed adoption records, post-adoption records, or any other records or papers to another person during the advance notice period.

Section 2. In this part:

(1) "Advance notice period" means the forty-five (45) day period from the date of mailing a notice regarding the impending release of adoption records, sealed records, sealed adoption records, post-adoption records, or any other record or papers to a person who has requested that the department provide advance notice prior to releasing said information.

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Section 3.

(a) A person is entitled to file a request to be given advance notice before any adoption record, sealed record, sealed adoption record, post-adoption record, or any other records or papers with information regarding said person is released to another person if the person seeking to file the request is otherwise entitled to receive such information pursuant to Title 36.

(b) An eligible person desiring to place his/her name on the Advance Notice Registry shall notify the department in writing on a form provided by the department, provide satisfactory proof of identity, and pay any necessary fees. The department shall supply the registration form upon request.

Section 4.

(a) The department shall establish and maintain an Advance Notice Registry. Notwithstanding any other law to the contrary, the Advance Notice Registry shall not be considered part of the post-adoption record or any other record or paper subject to release under Tennessee Code Annotated, Section 36-1-127(c), and the information contained in the Advance Notice Registry shall be confidential.

(b) The Advance Notice Registry shall include, but not be limited to, the following information:

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(1) the name of each person who has duly filed an
advance notice request;

(2) the address given by the person as the mailing
address at which any postal contact by the department with the
person should be made;

(3) the date and place of birth of the person filing with the
Advance Notice Registry;

(4) the persons or class of persons affected by the
request, and

(5) the advance notice period.

(c) A person whose name is entered in the Advance Notice
Registry shall advise the department of any change in his or her address.

Section 5. The department shall announce the existence of the Registry
and its service within ninety (90) days of January 1, 1999, through appropriate
publicity and media coverage as may be available without cost. The department
is authorized to promulgate necessary rules and regulations to facilitate the
implementation of this act in accordance with Tennessee Code Annotated,
Title 4, Chapter 5, Part 2.

SECTION 2. Tennessee Code Annotated, Section 36-1-141(a)(1), is amended
by adding the words and punctuation "for registering requests with the Advance Notice
Registry," after the words and punctuation "for registering requests for contact vetoes,".

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SECTION 3. This act shall take effect as follows, the public welfare requiring it::

(a) on January 1, 1999, for the purpose of Section 5 of Section 1; and

(b) on July 1, 1999, for the purpose of all remaining sections of this act.

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